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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,236	01/29/2002	Akira Murakami	330-243	2265
23117	7590	11/16/2004	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714			LOPEZ, CARLOS N	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No. 10/058,236	Applicant(s) MURAKAMI, AKIRA	
	Examiner Carlos Lopez	Art Unit 1731	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. ☒ The proposed amendment(s) will not be entered because:
 - (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

- 3. ☐ Applicant's reply has overcome the following rejection(s): _____.
- 4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
- 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-13.

Claim(s) withdrawn from consideration: _____.

- 8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
- 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
- 10. ☐ Other: _____

Continuation of 2. NOTE: The new limitation recited in claims 1-4, "upper mold having a sleeve and a lower mold member having a sleeve...press molded without causing any surrounding edge portion of the blank under the production to come into contact with the mold or either of the mold sleeves", requires further consideration and new search. .

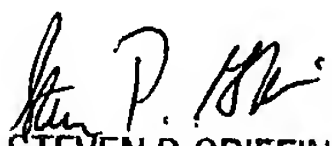
Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive. Applicant argues that the definition of free surface, incorporates the limitation that "when the above surrounding edge portion is not defined, the surrounding edge portion forms a free surface". As previously noted in the final rejection a "free surface" was giving the following definition: "The free surface is a surface to which nothing from the molding surface of the mold is transferred, so that no processing mark existing in the molding surface is transferred." MPEP Section 2110.01 states the following:

Where the applicant provides an explicit definition for a term, that definition will control interpretation of the term as it is used in the claim. Applicant now argues that a free surface is defined by two conditions:

- 1) When surrounding edge portion is not defined, the surrounding edge portion forms a free surface: and
- 2) The free surface is a surface to which nothing from the molding surface of the mold is transferred, so that no processing mark existing in the molding surface is transferred.

It is clear from the filed specification that the explicit definition of the term "free surface" does not support the alleged term being explicitly defined by the above two conditions. Since the first condition was not included in the explicit definition of the term "free surface" it was thus never considered as controlling the definition of the term "free surface".

In response to applicant's argument that the noted first condition is in conflict with the Examiner's second condition, it is noted that it is still possible to have no processing marks from the surface of the upper and lower molds but have processing marks from the mold sleeves and still meet the second condition..


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